

MR. DUCE STANDS HOT FIRE

(Continued from First Page.)

Q. Where did they go?
A. I don't know. I was sitting in the hall waiting for supper, and I don't know.

Q. Do you think that all three went out of doors?
A. Yes, sir.

Q. Did any of them return?
A. Yes, sir. Mr. Massey returned.

Q. Did the other two remain out?
A. They didn't come back again, no, sir.

By Mr. Lecky. On which floor of the house was that room?
A. That was on the main floor. It is a basement house; that was the main floor.

Q. The first floor?
A. Yes, sir.

Q. How was the house arranged?
A. It had a parlor.

Q. What was the next room?
A. The next was called the spare bedroom.

Q. What was next to that?
A. The next is commonly called Captain Henry's bedroom. That is the one I referred to.

Q. Mr. Massey, Mr. Womack and Mr. Folkes were in Captain Henry's bedroom?
A. Yes, sir.

Q. Was Captain Henry in the house that night?
A. Yes, sir.

Q. What business is Captain Henry in?
A. He is general agent for the University Publishing Company. I heard them say that in the house.

Q. Was it the habit of Captain Henry to stop at that house?
A. Yes, sir.

Q. Do you know Mr. Womack?
A. I haven't a speaking acquaintance with him, although I have seen him come to the house. I have been introduced to him, although I don't know him to speak to him on the street.

Q. Does Mr. Massey come there frequently?
A. Well, I really wouldn't like to say that.

By Mr. Lamb. Are you positive that was the night you saw Mr. Folkes there?
A. Yes, sir, I am very positive of that fact.

Q. Is there any way by which you fix the date?
A. Yes, sir. I remember having heard about it (i. e., the resolution of the gentlemen Christian, Wise, and Folkes) in the hall, I know I remarked to him that night that I would like very much to go up there and hear it. I know I walked with him to the hall that night.

Q. Is Mr. Christian a member of R. E. Lee Camp, No. 1, Sons of Veterans?
A. Yes, sir.

By Captain Wise. How long have you been boarding there?
A. I had been boarding there I think since August, 1936; I am not boarding there now, though.

Q. Did Mr. Womack ever board there?
A. I don't think that Mr. Womack ever boarded there, that I know of.

Q. You don't think that?
A. No, sir.

Q. Are you prepared to contradict the fact that he has boarded there?
A. Well, I never have boarded there any more than a couple of days at a time.

Q. I am not asking how much time. Are you prepared, is your knowledge so great that you can say that Mr. Womack has not been in the habit of stopping at that house and boarding there?
A. No, sir, he has not been in the habit of stopping there.

Q. Will you say that he never stopped there?
A. He has stopped there, yes, sir.

Q. I mean as a boarder.
A. I think while I have been there he stopped there a couple of days with his wife. That is my impression, but I am not very certain about that. If he did, it would be some time ago.

By Mr. Lecky. The Chairman has neglected to state at the beginning of this meeting that the witnesses who are testifying are testifying through courtesy to the committee. As you all know, we have no legal means by which we can make them testify, and the committee and all interested in the question will appreciate the fullest light possible from each witness. We desire to thank the witnesses in advance for the services they may see fit to render.

ANOTHER BOARDER.
Mr. N. Loder testified as follows:
By Mr. Lamb. Mr. Loder, what is your occupation?
A. I am secretary of the Morris & Bassett Manufacturing Company.

Q. Where do you reside?
A. On South Third street now.

Q. Where did you reside on the 6th day of September?
A. At Eleventh and Clay.

Q. Who occupies that house there?
A. Mrs. Morris.

Q. Did you see Mr. Massey there on the 6th day of September?
A. I can't fix the date in my mind, but I am sure that the night he made the speech to the Sons of Veterans.

Q. Did you see Mr. Folkes there that night?
A. Yes, sir.

Q. Where else did you see there?
A. Mr. Womack.

Q. You saw Mr. Folkes, Mr. Womack and Mr. Massey there that night?
A. Yes, sir.

Q. Where did you see them?
A. We were all sitting in the hall, and I had passed out from the room.

Q. What was that room known as?
A. Mr. Henry's bedroom.

Q. Are you confident that Mr. Folkes, Mr. Massey and Mr. Womack passed out of there?
A. Yes, sir.

Q. Where did they go?
A. I have no idea. They went out to the front door. Mr. Womack and Mr. Folkes left the house, Mr. Massey did not.

Q. How is that house located? What floor was that on?
A. They had a cellar in which the dining room is; it was the first floor above that.

Q. Was the room they came out of the front parlor, back room, or middle room?
A. The back room. The hallway runs perfectly straight. The first room is the parlor, the second is a spare bedroom, and the door of this room opens straight down the hallway at the end of the hall.

Q. Were you sitting in the hall?
A. Yes.

Q. When they came out, did they pass you?
A. Yes, they had to come right by us.

Q. Are you positive they came out of that room?
A. Yes.

Q. By Mr. Lecky. How long were you sitting in that hall before these gentlemen passed you?
A. I had no idea. I came in to tea, and we were waiting there for it.

Q. Was it as much as ten minutes?
A. I can't tell you to save my life. I have no idea.

Q. Did you see them come in the house?
A. No.

Q. Do you know Mr. Womack when you see him?
A. I have been introduced to him.

Q. And you know Mr. Folkes when you see him?
A. I never have met Mr. Folkes, but I know him when I see him; and Mr. Christian and Mr. Howell were discussing the matter, and they told me it was he.

Q. You recognize that gentleman (showing Mr. Folkes) as the one?
A. Yes, sir.

Q. You say you don't know whether Mr. Massey left the house?
A. Captain Wise left the house.

Q. Was Mr. Massey there after supper?
A. Yes, sir.

By Mr. Lamb. How long had you been living at that house?
A. Two years and a half.

Q. Had Mr. Massey boarded at that house?
A. No, sir. I don't think he has. I have met him there. He has been around

a good many times in evenings.

Q. Do you know whom he visited?
A. No, but I thought it was Captain Henry.

Witness stood aside.

SAY FOLKES AND WOMACK.

Mr. Edmund Christian then testified as follows:

Q. By Mr. Lamb. Are you a member of R. E. Lee Camp, No. 1, Sons of Veterans?
A. Yes, sir.

Q. Where did you reside on the 6th of September last?
A. No, 11th street.

Q. Were you there on the evening of the 6th of September?
A. Yes, sir.

Q. Did you see Mr. Massey there that night?
A. Yes, sir.

Q. Did you see any one else there?
A. Yes, sir; I saw Mr. Folkes and Mr. Womack.

Q. Where were they?
A. I met them when I came in. I came in from the street and I met Mr. Womack and Mr. Folkes in the hall going out.

Q. In which direction were they going?
A. They were going out by the street door, going out of the hall. I met them almost at the door.

Q. Were they coming down the hall?
A. Yes, sir.

Q. Did you say Mr. Massey was with them?
A. I don't remember seeing Mr. Massey with them.

Q. As you were coming in they were going out?
A. Yes, sir. I don't remember seeing Mr. Massey with them.

By Mr. Lecky. Did you stop Mr. Folkes and speak to him, or not? You know him very well, don't you?
A. Yes, sir, I know him.

Q. Did you stop him?
A. Yes, sir, I stopped him and spoke to him at the door.

By Mr. Lamb. What passed between you?
A. I can't remember what I said to him. It was just casual. I remember.

Q. Did you see them go out of the house together?
A. Mr. Womack went down the steps to the street and waited there until Mr. Folkes came out.

Q. With a way did they go then?
A. I don't know, sir.

Q. You didn't see Mr. Massey?
A. I didn't see Mr. Massey with them, no, sir.

By Mr. Lecky. Were you at supper that night?
A. Yes, sir.

Q. Was Mr. Massey there at supper?
A. Yes, sir. I sat next to him.

Q. He was in the house, then?
A. Yes, sir.

By Captain Wise. Were you at the camp that night?
A. Yes, sir.

Q. How did you vote on the resolutions?
A. I did not vote, sir, at all.

Witness stood aside.

STORY OF THE "SCOOP".
Mr. W. D. Chesterman then testified as follows:

Q. By Mr. Lamb. Mr. Chesterman, you are with the Dispatch, are you?
A. Yes, sir.

Q. Have you ever had any conversation with Mr. Werner, of The Times, with reference to the Mahood-Massey resolutions were obtained for The Times the night they were introduced in the Camp; or, in other words, how The Times got the "scoop" on the Dispatch that night?
A. Yes, sir.

Q. How did he say he obtained those resolutions?
A. Captain Wise, one minute. Is this put in here to contradict your own witness?

Mr. Lamb. No, sir. We have no witness. We are not here as plaintiff or defendant, prosecuting or defending. We are trying to get at the truth of the matter. We have no power to make Mr. Werner testify. We had him on the stand last night and cross-examined him and made him testify. Mr. Chesterman can tell us.

Mr. Lamb. Wise. But Mr. Chesterman does not know.

Mr. Lamb. He knows what Mr. Werner told him. Mr. Chesterman, did you have any conversation about it with Mr. Werner?
A. Yes, sir, this morning.

Q. How did he say he got those resolutions?
A. From Mr. Folkes.

Q. Did he say how it happened?
A. Yes, sir, he did.

Q. I wish you would tell us.

A. Well, he was particularly anxious for me to know that it was not true, as Mr. Folkes had said that he had had them off the table. He said Mr. Folkes gave them to him.

By Captain Wise: You said you got that from him this morning?

A. This morning.

Q. Did he come to you, or did you go to him?
A. He came to me.

Q. At the Dispatch office?
A. At the Dispatch office. He said that Mr. Folkes took them out of the record book, which he held in his hand, and he indicated by nodding his head under his hand, and took them out and gave them to him.

Witness stood aside.

Mr. Lamb: I would like to state, in justice to Mr. Chesterman, that he did not volunteer testimony against Mr. Werner, but I obtained the knowledge that he was in possession of such information from another party, and put him on the stand, almost against his protest.

Captain Wise: Since you have made that statement, will you state how you obtained it?

Mr. Lamb: I cannot recollect, Captain Wise, to save my life. If I can, I will let you know. I have talked about this matter right much to-day. I knew Mr. Chesterman knew it, where that came from, I do not know, but if I do recollect it, you shall have the benefit of it.

MR. C. B. WEST'S FATHER.
Mr. Speight Brooklyn West then addressed the committee as follows:

Mr. Chairman, I desire to state that I am the father of the late Captain C. B. West, who you want to get at the truth and wish for fairness in this investigation as to how this matter occurred. Now, it does appear to me, that it being impossible for Mr. West to be here tonight, although the court has been very liberal in postponing witnesses in going on the stand, I do think, as you said yourselves, you were anxious to get at the truth and fairness of this question, you might wish to hold Mr. Duce's testimony until my son had been back in time for the Wednesday examination. On Wednesday he was not here, but he was represented by counsel, who said that he desired a further

postponement for twenty-four hours, stating that Mr. West was in Norfolk for the purpose of obtaining evidence, which would assist in the case. I am sure that with a request to postpone the proceedings of this committee, and this time it comes from the parent of Mr. West.

All of us of the committee have the tenderest feeling for the parents of those of them who are living and those that are dead. But we must also have consideration for the members of the History Committee and their parents; and we must insist upon a speedy conclusion of this trial. All of these young men have relatives near and dear to them. The committee has determined that this examination shall proceed. Mr. West has had due notice of our investigation. We have conferred our meeting to comply with his desires, and as much as we desire to go contrary to the wishes of his parents, we will proceed. However, Mr. West will be given the opportunity to place witnesses on the stand for cross-examination, provided he reaches the city before this committee concludes the taking of testimony and have gotten on this report to our organization, we are now working. With this explanation, we will proceed with the examination of Mr. Duce.

MR. DUCE TELLS ALL.

He Gives a Full History of the Book Company Check as He Knew It.

Mr. H. C. Duce was called to the stand and testified as follows:

Q. By Mr. Lecky: Mr. Duce, you have been on the witness stand on one other occasion?
A. Yes, sir.

Q. A fact that you will doubtless not forget?
A. Yes, sir.

Q. At that time you stated under oath that Mr. West told you of a check for \$125 that he had received from the American Book Company?
A. I did not. I said I did not know the amount of it. I understood it was for \$150, but afterwards I was told by Mr. West it was \$125.

Captain Wise: Speak a little louder.

I said I understood the check was for \$150, but afterwards I was told by Mr. West it was \$125.

Q. By Mr. Lecky: Did you see that check?
A. I had a cursory glance over it.

Q. Did you have any conversation or talks with Mr. West between having this cursory glance at that check and the time at which these charges were preferred by Major Brander in the Confederate Camp?
A. We alluded to it casually once or twice, and then we did not speak about it for a long time, until Saturday week.

Last Saturday week.

Q. Can you give us the benefit of these casual allusions?
A. They were quite immaterial; I don't remember them; it was just two or three days after the thing occurred.

Q. Did you report the proceedings in the Sons of Veterans Camp at the time the Mahood resolutions were discussed?
A. Yes.

Q. That was the 6th of September?
A. Yes.

Q. Who was the city editor of the Dispatch at that time?
A. Mr. West was acting city editor. Mr. Woodfin was out of the city.

Q. In your capacity as reporter, do you always have to report to the city editor the news of the Mahood resolutions?
A. I have to turn in my copy to the city editor.

Q. Were you in the Dispatch office that day, Mr. Duce?
A. Yes.

Q. What time did you go on duty?
A. I was supposed to go on about half past 2; generally I would go on about half past 2; on Mondays I was supposed to go on at 10 o'clock.

Q. Did you go on at that time on that day?
A. I don't know the exact time; it was between 12 and 1.

Q. Was Mr. West in the office when you got on duty that day?
A. I don't remember.

THAT FISHING TRIP.
Q. What do you know regarding the fishing trip taken by Mr. West?
A. Yes, sir, I know it.

Mr. West has been on several fishing trips.

Q. Did Mr. West go on a fishing trip the 9th of August, the Monday before the discussion of the Mahood resolutions?
A. I don't know whether he did or not.

Q. Did he tell you that he did?
A. I know he certainly did not tell me that he did.

Q. Did he tell you that he went fishing the 6th day of September, the day the Mahood resolutions were discussed?
A. Yes, he told me so.

Q. Did he go alone, or did he have company?
A. He told me that he went with Mr. Folkes.

By Mr. Folkes: Did he tell you that he went fishing with me, Mr. Duce?
A. Yes, he said so.

By Mr. Lecky: At the time of the introduction of these resolutions by Major Brander in the Confederate Camp, did you have any conversation with Mr. West at that time? These resolutions were founded upon rumors. Did you have any conference with him at that time and on that subject?
A. Not at that time. The first conference I had with Mr. West about it was on last Saturday week.

Q. What did he tell you at that time?
A. I always go home early on Saturday. I was home about midnight, and I went out of the office a few minutes after midnight, shortly after midnight, as well as I remember. The rumors of this investigation were going around. Mr. West followed me out, and he said to me on the front of the Dispatch office: "Have you told anybody about that?" I can't remember his exact words, but he alluded to the transaction about which I gave testimony when I was last on the stand, between Mr. Folkes and him. I said, "Have you told anyone?" I said I was not quite certain that the question had never suggested itself to me. He said: "My God! If you have done so, we are ruined, we are all ruined." We talked about it, and then we walked up the street as far as Eighth street, and stood talking at the corner of Eighth street for some time. We talked about the resolutions and the probability of these investigations and he told me about the American Book Company.

WOULD USE MONEY.
Q. What did he tell you about the American Book Company?
A. He told me the American Book Company was formed of several large publishing houses, and he said that he did not think the American Book Company would permit this investigation to proceed. He said they were tremendously rich, and he believed they would spend any amount of money to stop it.

Q. Did he say how much money?
A. I can't remember the figure.

Q. You are certain he said the American Book Company would not allow this investigation to proceed?
A. I did not say he used the word "allow." He said they would take every effort to stop it. I don't remember the exact words, but that was the sense of it.

Q. And that they would use money?
A. Yes, sir.

Q. Was there any limit on the amount they would use?
A. No, I don't remember what figure he placed. He gave me his reasons for it. He gave me statistics about the school of Virginia, and he said that the company as the other schools looks that they supplied; that they did not care so much about the histories as the other books, as I understood him.

Q. The conversation up to the point of Eighth and Main streets, sir.
A. Eighth and Main streets, yes, sir.

Q. Did you proceed up the street to-

gether from that point?

A. No. Mr. Smithers, the night-watchman, came there and stood near us. Mr. West went on down the street and he would contact with him. Mr. West went on down towards the Dispatch office.

Q. That was the last of the week?

A. Yes.

Q. That was six days before you went on the stand first?

A. Yes.

Q. So that all that you are going to tell from now on was within six days?

A. Yes.

Q. That was on Saturday, did you see him on Sunday?

A. No.

Q. Did you see him on Monday?

A. I saw him on Monday, yes.

Q. Captain Wise, which Monday are you alluding to?

A. Mr. Lecky: That was the Monday previous to our first examination held on Friday; it was Monday of last week.

Q. The witness: I don't remember seeing Mr. West on Monday, of course, I saw him, but I don't remember any conversation we had. I was very much disturbed by our talk on Saturday night, and Sunday and on Sunday night I worried about it.

Q. I was under the impression that I had been indiscreet in mentioning the fact. I was under the impression that my confidence had been betrayed, and I consulted with Mr. Noel about it, and asked him if it would not be possible for me to insist upon my right as a newspaper man, and refuse to testify if called on. We had quite a conversation. The next day, in the afternoon, I met Mr. Folkes; on Monday I met Mr. Folkes.

Q. By Captain Wise: You mean last Monday week?

A. Yes.

TALK WITH MR. FOLKES.

By Mr. Lecky. Was it on Monday that you saw Mr. Folkes?

A. Yes; I had two conversations with him.

Q. Suppose you repeat the conversations you had with Mr. Folkes?

A. The last time I met Mr. Folkes was early in the afternoon; I don't remember just what time. I was talking to Mr. Folkes, the architect, on Clay street. Mr. Folkes, the architect, excused myself to Mr. West, and Mr. Folkes and I walked up to Broad street, and along down to the City Hall.

Q. That was the conversation that ended with Mr. Folkes?

A. Yes.

Q. Have you any reason to change your testimony from that already presented?

A. No.